

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re tmm1634 Chapter 13  
Eric H. Richmond Case No.: 1-14-41678-cec  
Debtor.

**AFFIDAVIT IN RESPONSE**

-----X  
STATE OF NEW YORK)  
COUNTY OF SUFFOLK)ss:-

MICHAEL J. MACCO, being duly sworn, deposes and says:

1. I am the Standing Chapter 13 Trustee in the above referenced case and as such am fully and completely familiar with the facts and circumstances involved herein.
2. I submit this affidavit in response to docket #495 on the Court's docket in this matter.
3. Pursuant to the Court Order to file an Amended Plan and cure post-petition mortgage arrears, the debtor was to file a plan that pays all pre-petition mortgage arrears to the secured creditor, together with applicable Trustee commissions in equal monthly payments over the remaining life of the term, not to exceed June 30, 2019.
4. The Order goes on to state that the debtor must provide proof that all post-petition mortgage payments owed to secured creditors have been paid since the date of filing until today's date.
5. Debtor has defaulted on both of said decretal paragraphs by having failed to file a plan that pays the arrears in equally monthly installments over the remaining term of the plan and has failed to provide proof of post-petition mortgage payments to the secured creditor from the date of filing until today's date.

WHEREFORE, based on the default of the May 22, 2017 Order, this case shall be deemed dismissed by the Court.

  

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MICHAEL J. MACCO

Sworn to before me this  
19<sup>th</sup> day of June, 2017

/s/ Janine M. Zarrilli

Notary Public

*Janine M. Zarrilli*

*Notary Public, State of New York*

*No. 01ZA5084708*

*Qualified in Nassau County*

*Commission Expires September 8, 2017*

STATE OF NEW YORK)  
COUNTY OF SUFFOLK)ss:-

Carol Smith, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age, and resides at West Islip, New York.

On June 19, 2017 deponent served the within:

**AFFIDAVIT IN RESPONSE**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

*Office U.S. Trustee  
Eastern District of New York (Brooklyn Office)  
U.S. Federal Office Building  
201 Varick Street, Suite 1006  
New York, New York 10014*

*Eric H. Richmond  
227 4<sup>th</sup> Avenue  
Brooklyn, NY 11215*

*Eric H. Richmond  
66 Back Meadow Road  
Nobleboro, Maine 04555*



Carol Smith

Sworn to before me this  
19<sup>th</sup> day of June, 2017

/s/ Janine M. Zarrilli  
Notary Public  
Janine M. Zarrilli  
Notary Public, State of New York  
No. 01ZA5084708  
Qualified in Nassau County  
Commission Expires September 8, 2017